

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Environmental cost recovery clause.

DOCKET NO. 140007-EI
ORDER NO. PSC-14-0116-CFO-EI
ISSUED: March 3, 2014

ORDER GRANTING GULF POWER COMPANY'S REQUEST FOR CONFIDENTIAL CLASSIFICATION OF INFORMATION PROVIDED PURSUANT TO AUDIT NO. 12-019-1-1. (DOCUMENT NO. 03797-12 (X-REF. 03204-12))

On June 11, 2012, pursuant to Section 366.093, Florida Statutes (F.S.), and Rule 25-22.006, Florida Administrative Code (F.A.C.), Gulf Power Company (Gulf) filed a request for confidential classification (Request) of certain materials produced by Gulf in connection with a review by the Florida Public Service Commission (Commission) Staff's review of Gulf's 2011 expenditures in Audit No. 12-019-1-1 (Audit) (Document No. 03797-12 (x-ref. doc. no. 03204-12)). Gulf initially filed this request in Docket No. 120007-EI. Gulf asserts that confidential information in the document is intended to be proprietary, is treated as proprietary, and has not been publicly disclosed.

Request for Confidential Classification

Pursuant to Section 366.093(1), F.S., records the Commission has found to contain proprietary confidential business information shall be kept confidential and shall be exempt from Chapter 119, F.S. Section 366.093(3), F.S., defines proprietary confidential business information as information that is intended to be and is treated by the company as private, in that disclosure of the information would cause harm to the company's ratepayers or business operations, and that has not been voluntarily disclosed to the public. Additionally, Section 366.093(3)(d), F.S., provides, in pertinent part, that proprietary confidential business information includes, but is not limited to:

- (d) Information concerning bids or other contractual data, the disclosure of which would impair the efforts of the public utility or its affiliates to contract for goods or services on favorable terms.

Gulf contends that the designated portions of the information contained in Commission Staff's workpapers, which were developed in connection with the Audit review, as more specifically described in Exhibit A, attached to its Request, fall within these categories and, thus, constitute proprietary confidential business information entitled to protection under Section 366.093, F.S., and Rule 25-22.006, F.A.C. The confidential information contained in Exhibit A, attached to Gulf's Request, consists of pricing data for chemicals and stone products purchased by Gulf for use in its day-to-day operations. Gulf argues that disclosure of information would impair Gulf's ability to continue to procure such goods at prices favorable to its customers insofar as vendors of such goods would be given insight into prices paid by Gulf and could adjust their prices accordingly. Gulf states that this information is intended to be and continues

to be treated by Gulf as private and has not been publicly disclosed. In consideration of these factors, Gulf asserts that the subject information falls within the categories of "proprietary confidential business information" defined in Section 366.093(3)(d), F.S.

Time Period For Confidential Classification

Pursuant to Section 366.093(4), F.S., confidential classification may only extend for up to 18 months from the issuance of an Order granting confidential classification unless "the Commission finds, for good cause, that the protection from disclosure shall be for a specified longer period." Gulf has not requested a confidential classification period longer than the 18 months.

Ruling

Upon review, it appears the above-referenced information satisfies the criteria set forth in Section 366.093(3), F.S., for classification as proprietary confidential business information. The information at issue appears to be "information concerning bids or other contractual data, the disclosure of which would impair the efforts of the public utility or its affiliates to contract for goods or services on favorable terms." Thus, the information identified in Document No. 03797-12 (x-ref. Document No. 03204-12) shall be granted confidential classification.

Pursuant to Section 366.093(4), F.S., the information for which confidential classification is granted herein shall remain protected from disclosure for a period of 18 months from the date of issuance of this Order. At the conclusion of the 18-month period, the confidential information will no longer be exempt from Section 119.07(1), F.S., unless Gulf or another affected person shows, and the Commission finds, that the records continue to contain proprietary confidential business information.

Based on the foregoing, it is

ORDERED by Commissioner Julie I. Brown, as Prehearing Officer, that Gulf Power Company's Request for Confidential Classification of Document No. 03797-12 (x-ref. Document No. 03204-12) is granted, as set forth herein. It is further

ORDERED that the information in Document No. 03797-12 (x-ref. Document No. 03204-12) for which confidential classification has been granted shall remain protected from disclosure for a period of 18 months from the date of issuance of this Order. It is further

ORDERED that this Order shall be the only notification by the Commission to the parties of the date of declassification of the materials discussed herein.

By ORDER of Commissioner Julie I. Brown, as Prehearing Officer, this 3rd day of March, 2014.



JULIE I. BROWN
Commissioner and Prehearing Officer
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Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

JVB

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Office of Commission Clerk, in the form prescribed by Rule 25-22.0376, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.